IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL DOCKET NO. 3:12-CR-00380-MOC-DSC

UNITED STATES OF AMERICA,)	
)	
)	
)	<u>ORDER</u>
v.)	
)	
CRISPIN GRIMALDO,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's "Motion for Inquiry into Status of Counsel" (document #25) filed April 2, 2013. In the Motion, appointed counsel J.P. Davis states that Defendant wishes to have him removed and new counsel appointed. The Court held a hearing in this matter on April 4, 2013.

During the course of the hearing, the Court heard from Mr. Davis, the Government and the Defendant. At defense counsel's request, part of the hearing was conducted ex parte. Mr. Davis stated that he can effectively represent the Defendant and has negotiated a more favorable plea offer for him. He has also given Defendant access to all discovery in this case. Defendant is charged in a twelve count Indictment with various drug and firearm offenses.

Defendant stated that he does not believe that Mr. Davis is helping him. The Court explained to Defendant that there are certain decisions that must be made by him such as whether or not to accept a plea agreement or go to trial. The Court also explained that Defendant does not receive an attorney of his choice as appointed counsel, and that it appears Mr. Davis is providing effective representation. Based upon the foregoing, the Court finds no basis to remove Mr. Davis as appointed counsel.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: April 3, 2013

David S. Cayer United States Magistrate Judge